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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 2021 TOYOTA TRD 4RUNNER,
VIN: JTEPU5JR4M5948693, LICENSE
15 NUMBER: 8XXF463, and

16 2022 MERCEDES BENZ AMG CLA 4MATIC,
VIN: W1K3G4EB0NJ364663, LICENSE
17 NUMBER: 9BYD950,

18 Defendants.
19

2:23-MC-00350-DJC-DB

CONSENT JUDGMENT OF FORFEITURE

20 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

21 1. On or about March 23, 2023, agents with the Drug Enforcement Administration (“DEA”)
22 seized the 2021 Toyota TRD 4Runner, VIN: JTEPU5JR4M5948693, License Number: 8XXF463¹ and
23 the 2022 Mercedes Benz AMG CLA 4Matic, VIN: W1K3G4EB0NJ364663, License Number: 9BYD950
24 (hereafter “defendant Mercedes Benz”) pursuant to a federal search warrant.

25 2. DEA commenced administrative forfeiture proceedings, sending direct written notice to
26 all known potential claimants and publishing notice to all others. On June 26, 2023, DEA received a
27

28 ¹ The United States has declined to seek forfeiture against the 2021 Toyota 4Runner and it will be returned to claimants Michael W. Bowden, Kasandra Dolan, and Michael J. Bowden.

1 claim from Michel J. Bowden (“Bowden” or “claimant”) asserting an ownership interest in the defendant
2 Mercedes Benz.

3 3. The United States represents that it could show at a forfeiture trial that on March 23,
4 2023, DEA executed a federal search warrant at Bowden’s residence in Diamond Springs, California.
5 Within the residence, law enforcement recovered a short-barreled assault weapon, more than 100
6 marijuana plants, 117 pounds of marijuana, and various tools of the drug trafficking trade, including a
7 money counter and scales.

8 4. The United States represents that it could further show at a forfeiture trial that when law
9 enforcement entered Bowden’s residence during the execution of the search warrant, they asked Bowden
10 if there were any drugs present at his residence. Bowden said that in his detached garage he had a large
11 amount of marijuana “flower” as well as one hundred “clone” plants and numerous other larger
12 marijuana plants. Bowden explained how to access the garage. To access the garage, law enforcement
13 used the garage door opener from the defendant Mercedes Benz. Bowden had directed law enforcement
14 to use the opener to open the garage door where they would find the marijuana. Inside the garage, law
15 enforcement noted a large open area and a separate interior room to the right which contained 120
16 marijuana plants of various sizes, consistent with Bowden’s description. In addition, law enforcement
17 found approximately 117 pounds of marijuana, 390 rounds of ammunition, and 298 vape cartridges with
18 THC. Inside a storage area within the garage, law enforcement also found a clear plastic bag filled with
19 numerous smaller bags containing 1 ounce of cocaine each, totaling 845.2 gross grams; a digital scale; a
20 clear plastic bag with MDMA totaling 62.6 gross grams; and a clear plastic bag of psilocybin mushrooms
21 totaling 321.5 gross grams.

22 5. The United States represents that it could further show at a forfeiture trial that when law
23 enforcement first entered Bowden’s home during the execution of the search warrant on March 23,
24 2023, they also asked him if there were any firearms at his property. Bowden admitted that he
25 possessed an “AR” and a “Glock” in his master bedroom closet. Bowden accompanied law
26 enforcement to the master bedroom closet, and he pointed out the two firearms located on a shelf in the
27 open closet.

28 6. The United States represents that it could further show at a forfeiture trial that law

1 enforcement learned Bowden purchased the defendant Mercedes Benz in July of 2022 with a \$20,000
2 downpayment. According to DMV, James Bowden is the registered owner of the defendant Mercedes
3 Benz. James is the middle name of Michael J. Bowden.

4 7. On April 20, 2023, an Indictment was filed in the Eastern District of California charging
5 Michael Bowden with Manufacture of Marijuana in violation of 21 U.S.C § 841(a)(1), Possession with
6 Intent to Distribute Cocaine in violation of 21 U.S.C § 841(a)(1), Possession with Intent to Distribute
7 Marijuana in violation of 21 U.S.C § 841(a)(1), and Possession of an Unregistered Firearm in violation of
8 26 U.S.C. § 5861(d). The United States and Bowden entered into a plea agreement wherein he agreed to
9 sign a Stipulation for Consent Judgment of Forfeiture forfeiting his right, title, and interest in the
10 defendant Mercedes Benz.

11 8. The United States could further show at a forfeiture trial that the defendant Mercedes Benz
12 is forfeitable to the United States pursuant to 21 U.S.C. §§ 881(a)(4) and (a)(6).

13 9. Without admitting the truth of the factual assertions contained above, claimant specifically
14 denying the same, and for the purpose of reaching an amicable resolution and compromise of this matter,
15 claimant agrees that an adequate factual basis exists to support forfeiture of the defendant Mercedes
16 Benz. Claimant hereby acknowledges that he is the sole owner of the defendant Mercedes Benz and
17 Bank of America is the lienholder on the vehicle, and that no other person or entity has any legitimate
18 claim of interest therein. Should any person or entity institute any kind of claim or action against the
19 government with regard to its forfeiture of the defendant Mercedes Benz, claimant shall hold harmless
20 and indemnify the United States, as set forth below.

21 10. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and 1355, as this
22 is the judicial district in which acts or omissions giving rise to the forfeiture occurred.

23 11. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial district in which
24 the defendant Mercedes Benz was seized.

25 12. The parties herein desire to settle this matter pursuant to the terms of a duly executed
26 Stipulation for Consent Judgment of Forfeiture.

27 Based upon the above findings, and the files and records of the Court, it is hereby ORDERED
28 AND ADJUDGED:

1 1. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by and
2 between the parties.

3 2. Upon entry of this Consent Judgment of Forfeiture, all right, title, and interest of Michael
4 J. Bowden in the defendant 2022 Mercedes Benz AMG CLA 4Matic, VIN: W1K3G4EB0NJ364663,
5 License Number: 9BYD950 shall be forfeited to the United States pursuant to 21 U.S.C. §§ 881(a)(4) and
6 (a)(6), to be disposed of according to law. The loan held by Bank of America on the defendant Mercedes
7 Benz shall be paid when the defendant Mercedes Benz is sold by the U.S. Marshals Service (or their
8 designee).

9 3. The United States of America and its servants, agents, and employees and all other public
10 entities, their servants, agents, and employees, are released from any and all liability arising out of or in
11 any way connected with the seizure or forfeiture of the defendant Mercedes Benz. This is a full and final
12 release applying to all unknown and unanticipated injuries, and/or damages arising out of said seizure or
13 forfeiture, as well as to those now known or disclosed. Claimant waived the provisions of California
14 Civil Code § 1542.

15 4. No portion of the stipulated settlement, including statements or admissions made
16 therein, shall be admissible in any criminal action pursuant to Rules 408 and 410(a)(4) of the Federal
17 Rules of Evidence.

18 5. All parties will bear their own costs and attorney's fees.

19 IT IS SO ORDERED
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21 Dated: November 15, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE